

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:20-CR-93-1FL(4)

FILED IN OPEN COURT
ON 10-15-2020
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC
JH

UNITED STATES OF AMERICA)

v.)

GARY LUPTON HAMILTON)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

Beginning on a date unknown to the Grand Jury, but no later than in or around January 1, 2016, and continuing until on or about August 8, 2020, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with other persons, known and unknown to the Grand Jury, to distribute and possess with the intent to distribute five hundred (500) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about April 20, 2018, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, and fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

On or about September 20, 2018, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about June 6, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, aiding and abetting others, did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 2.

COUNT FIVE

On or about June 10, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, aiding and abetting others, did knowingly and intentionally distribute a quantity of a mixture and substance containing a

detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 2.

COUNT SIX

On or about June 17, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, aiding and abetting others, did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 2.

COUNT SEVEN

On or about June 21, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, aiding and abetting others, did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 2.

COUNT EIGHT

On or about June 21, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, as charged in Count Seven of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT NINE

On or about October 1, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TEN

On or about October 1, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did unlawfully and knowingly use and maintain a place located at 505 Watson Avenue, New Bern, North Carolina, for the purpose of distributing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 856(a)(a).

COUNT ELEVEN

On or about October 1, 2019, in the Eastern District of North Carolina, the defendant, GARY LUPTON HAMILTON, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, as charged in Counts Nine and Ten of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

(Remainder of page left intentionally blank.)

FORFEITURE NOTICE

Notice is hereby given that all right, title and interest in the property described herein is subject to forfeiture.

Upon conviction of any felony violation of the Controlled Substances Act charged herein, the defendant shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense.

Upon conviction of any violation of the Gun Control Act, the National Firearms Act, or any other offense charged herein that involved or was perpetrated in whole or in part by the use of firearms or ammunition, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and/or 26 U.S.C. § 5872, as made applicable by 28 U.S.C. § 2461(c), any and all firearms and ammunition that were involved in or used in a knowing or willful commission of the offense, or, pursuant to 18 U.S.C. § 3665, that were found in the possession or under the immediate control of the defendant at the time of arrest.

The forfeitable property includes, but is not limited to, the following:

Forfeiture Money Judgment:

- a) A sum of money representing the gross proceeds of the offense(s) charged herein, in the amount of at least \$360,000.00.

Personal Property

- b) One SGBX 18-1027 .25 caliber handgun, bearing serial number M29267, seized on September 20, 2018, from a Dodge Ram registered to GARY LUPTON HAMILTON.
- c) One .22 caliber revolver, bearing serial number 306955, seized on October 1, 2019, from 505 Watson Avenue, New Bern, North Carolina.
- d) One Stevens lever action .22 caliber rifle, bearing serial number C080114, seized on October 1, 2019, from 505 Watson Avenue, New Bern, North Carolina.
- e) One SRBX 19-1024 Stevens/J Stevens Arms Company 12-gauge shotgun, with an unknown serial number, seized on October 1, 2019, from 505 Watson Avenue, New Bern, North Carolina.
- f) All associated ammunition.

(Remainder of page left intentionally blank.)

If any of the above-described forfeitable property, as a result of any act or omission of a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

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FOREPERSON

DATE: 10/14/2020

ROBERT J. HIGDON, JR.
United States Attorney


BY: J.D. KOESTERS
Assistant United States Attorney